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Counsel for KPMG LLP

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: SUNEDISON, INC., SECURITIES
LITIGATION**

This Document Applies To:

***Horowitz v. SunEdison, Inc.*, Case No. 1:16-
cv-07917-PKC-AJP**

Case No. 1:16-md-02742-PKC-AJP

ORAL ARGUMENT REQUESTED

**DEFENDANT KPMG LLP'S NOTICE OF MOTION TO DISMISS PLAINTIFFS'
SECOND AMENDED COMPLAINT PURSUANT TO FRCP 12(b)(6)**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the Omnibus Declaration of Jaime A. Bartlett in Support of the Defendants' Motions to Dismiss and accompanying exhibits, and all the pleadings and proceedings had herein, Defendant KPMG LLP ("Defendant") hereby provides notice that it will move the Court before the Honorable Kevin P. Castel at the United States District Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) granting Defendant's Motion to Dismiss the Second Amended Consolidated Securities Class Action Complaint ("SAC") and dismissing the SAC with prejudice as to Defendant on the grounds that the SAC fails to state a

claim upon which relief can be granted, and for such other, further, or different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's order of April 13, 2017, *In re SunEdison, Inc. Sec. Litig.*, No. 1:16-md-02742-PKC, ECF No. 186, Plaintiffs' response is due July 14, 2017, and Defendant's reply is due August 4, 2017.

Dated June 9, 2017
Washington, D.C.

Respectfully submitted,

/s/ Charles Wm. McIntyre

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